

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF OHIO**

**IN THE MATTER OF:**

**TOWANDA GREEN**

**Debtor**

**Case No. 18-16799**

**MOTION TO SHOW CAUSE**

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Now comes the debtor, by and through counsel, who avers as follows

1. The debtor filed her Petition for Relief under Title 11 Chapter 7 of the U.S. Bankruptcy Code in this Court on November 12, 2018.
2. The debtor is employed by Human Arc Corporation Inc., in Cleveland, Ohio.
3. At the time of the filing of her Petition for Relief in this Court, the debtor was subject to a judgment on behalf of a scheduled creditor. See exhibit 1.
4. At the time of the filing of her Petition for Relief in this Court, the debtor's wages were subject to garnishment. See exhibit 2.
5. Debtor's counsel notified the debtor's employer of the automatic stay imposed in this case on January 2 2019, and further requested that the employer cease the garnishment. See Exhibit 3,

6. The garnishment continues.

7. Debtor's employer is in violation of the automatic stay provisions of the Bankruptcy Code.

WHEREFORE debtor moves this Court to cite the said employer for contempt of court, and for the return of funds withheld from the debtor's paycheck since January 2 2019.

By

/s/Peter Horvath  
Attorney for debtor Towanda Green  
38294 Industrial Park  
P.O. Box 501  
Lisbon, Ohio 44432  
330-420-0019  
Reg. No. 0016306

4.1  
1**Derrick Rippy**

Nonpriority Creditor's Name

**7238 Hyannis Drive  
Bedford, OH 44146**

Number Street City State Zip Code

Who incurred the debt? Check one.

- ☒ Debtor 1 only  
☐ Debtor 2 only  
☐ Debtor 1 and Debtor 2 only  
☐ At least one of the debtors and another  
☐ Check if this claim is for a community debt

Is the claim subject to offset?

☒ No☐ Yes

Last 4 digits of account number

\$500.00

When was the debt incurred? to date

As of the date you file, the claim is: Check all that apply

- ☐ Contingent  
☐ Unliquidated  
☐ Disputed

Type of NONPRIORITY unsecured claim:

- ☐ Student loans  
☐ Obligations arising out of a separation agreement or divorce that you did not report as priority claims  
☐ Debts to pension or profit-sharing plans, and other similar debts

☒ Other. Specify back rent at 3861 Martin Luther King Road, Cleveland4.1  
2**Dillard**

Nonpriority Creditor's Name

**P.O. Box 14517  
Des Moines, IA 50306**

Number Street City State Zip Code

Who incurred the debt? Check one.

- ☒ Debtor 1 only  
☐ Debtor 2 only  
☐ Debtor 1 and Debtor 2 only  
☐ At least one of the debtors and another  
☐ Check if this claim is for a community debt

Is the claim subject to offset?

☒ No☐ YesLast 4 digits of account number 7717

\$1,428.00

When was the debt incurred?

As of the date you file, the claim is: Check all that apply

- ☐ Contingent  
☐ Unliquidated  
☐ Disputed

Type of NONPRIORITY unsecured claim:

- ☐ Student loans  
☐ Obligations arising out of a separation agreement or divorce that you did not report as priority claims  
☐ Debts to pension or profit-sharing plans, and other similar debts

☒ Other. Specify credit card4.1  
3**Discover Bank**

Nonpriority Creditor's Name

**P.O. Box 15316  
Wilmington, DE 19850**

Number Street City State Zip Code

Who incurred the debt? Check one.

- ☒ Debtor 1 only  
☐ Debtor 2 only  
☐ Debtor 1 and Debtor 2 only  
☐ At least one of the debtors and another  
☐ Check if this claim is for a community debt

Is the claim subject to offset?

☒ No☐ YesLast 4 digits of account number 1100

\$3,600.00

When was the debt incurred?

As of the date you file, the claim is: Check all that apply

- ☐ Contingent  
☐ Unliquidated  
☐ Disputed

Type of NONPRIORITY unsecured claim:

- ☐ Student loans  
☐ Obligations arising out of a separation agreement or divorce that you did not report as priority claims  
☐ Debts to pension or profit-sharing plans, and other similar debts

☒ Other. Specify credit card



SCANNED AT CLERK OF COURT'S OFFICE

ORDER AND NOTICE OF GARNISHMENT  
AND ANSWER OF EMPLOYER - SECTION  
THE STATE OF OHIO  
FRANKLIN COUNTY, SS

EXHIBIT  
2

DISCOVER BANK

JUDGMENT CREDITOR

VS.

TOWANDA GREEN

JUDGMENT DEBTOR

NSL XXX-XX-4185

RECEIVED PAYMENT

2017 CV 004115

Judgment Creditor or Attorney for Judgment Creditor

JAMES G. KIBLER, JR. 007615

WELTMAN, WUNDER & RIPS, CO., L.P.A.

1705 MARK ANTHONY DRIVE

GROVE CITY, OH 43123

PHONE 614-881-2600

FAX 614-881-2601

EMAIL: COLATY@WELTMAN.COM

EARLE D. TURNER, Clerk

FILED

Deputy

I, the undersigned County Public or Deputy Clerk of CLEVELAND MUNICIPAL COURT, personally appeared JAMES G. KIBLER, JR. 007615, who being first duly sworn according to the law, says that he is the ATTORNEY for JUDGMENT CREDITOR, having said that said judgment creditor hereinafter, on March 12, 2018 duly executed judgment before CLEVELAND MUNICIPAL COURT as confirmed a judgment in, against said judgment debtor which remains unsatisfied.

Amount of Judgment

\$1,129.00

Plus Interest Accrued to Date (Interest rate - 12%)

\$170.00

Plus Court Costs \$129.00 and Post Office Costs \$10.00 Accrued to Date

\$139.00

Minus Payments and/or Credits

\$11.00

Amount Now Due

\$1,327.00

That the garnishee named in Section A of this form is an employer of the judgment debtor who now owes personal earnings of the judgment debtor. And that a true copy of this Demand executed by Section 2716.02 of the Ohio Revised Code has been made and a true copy of said Demand which was made is attached hereto. The payment demanded in said Demand has not been made, nor has a sufficient portion been made to prevent the garnishment of personal earnings as described in Section 2716.02 of the Ohio Revised Code. The affiant has no knowledge of any application by the judgment debtor for the appointment of a trustee so as to preclude the garnishment of the judgment debtor's personal earnings and has no knowledge that the debt to which this affidavit pertains is the subject of a debt scheduling agreement of such a nature that it precludes the garnishment of the personal earnings of the judgment debtor under Section 2716.03(H) of the Ohio Revised Code.

Sworn to and subscribed before me

3/9/18

Notary

Attorney's Signature

James G. Kibler, Jr.

My Commission Expires July 10, 2022

Clerk of Court, CLEVELAND MUNICIPAL COURT  
WWRN 03007608

SECTION A: COURT ORDER AND NOTICE OF GARNISHMENT TO HUMAN AND CLEVELAND GARNISHABLE (employer)  
THE TOTAL PROBABLE AMOUNT NOW DUE ON THE JUDGMENT IS THE AMOUNT NOW DUE AS SPECIFIED ABOVE PLUS  
INTEREST AT THE RATE AS SPECIFIED ABOVE FROM THE DAY OF GARNISHMENT ON THE SMALLER OF THE AMOUNT  
OF THE JUDGMENT OR THE AMOUNT NOW DUE.

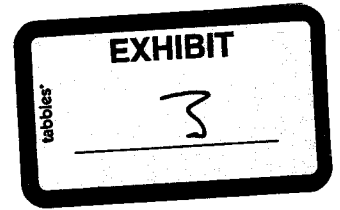
GARNISHEE: HUMAN AND CLEVELAND, 147 E 9TH ST, CLEVELAND, OH 44115

The judgment creditor in the above case has filed an affidavit satisfactory to the undersigned, in this court stating that said judgment debtor owes the personal earnings.

The original and two copies to be filed with the court. Original for the court, 1 copy retained in compliance with the rules of the court, 1 copy to be filed with the court.



**JJ PETER HORVATH ATTORNEY AT LAW**



January 2, 2019

HUMAN ARC CORPORATION  
1457 EAST 40<sup>TH</sup> ST.  
CLEVELAND, OH 44103

**Re: Towanda Green chapter 7 #18-16799**

I am the attorney for Towanda Green, who filed for chapter 7 bankruptcy on November 12 2018.

At the time of filing, a garnishment of wages was processed against her paycheck by her employer Human Arc Corporation.

You, the employer, are directed to cease and desist the garnishment.

In furtherance thereof, enclosed please find the Notice of Bankruptcy Filing, which specifically addresses the Automatic Stay provisions of the Bankruptcy Code. The Automatic Stay terminates all efforts of collection against a debtor, her property and her wages.

Your cooperation is appreciated. Thank you.

Peter Horvath  
Attorney at Law  
Enc: above

38294 INDUSTRIAL PARK ROAD  
P.O. BOX 501 • LISBON, OHIO • 44432  
PHONE: 330-420-0019

E-MAIL HORVATHLAWYER@YAHOO.COM